



September 19, 2018

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, District of Columbia 20554

RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79

Dear Ms. Dortch,

Thank you for this opportunity to submit comments on the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. The County Commissioners Association of Pennsylvania (CCAP) is a non-partisan association representing the commonwealth's 67 counties. On behalf of Pennsylvania counties, we would like to express several concerns with the proposed order on wireless broadband deployment.

According to the Federal Communications Commission, about 800,000 Pennsylvanians lack access to high-speed broadband internet, which is critical for education, employment, and economic development in the current era. Counties recognize that high-quality communication infrastructure is essential to our communities and the provision of efficient and effective services to our residents. While CCAP supports moves toward closing the technology access gap, we oppose efforts to restrict local authority and stymie local innovation.

Counties welcome opportunities to improve infrastructure and technology, but proceed with caution when services for our constituents may be in danger. Counties own substantial amounts of public rights-of-way, which many communication providers use to construct their own communications networks. The proposed order would significantly narrow the amount of time for local governments to evaluate 5G deployment applications from communication providers – effectively hindering our ability to fulfill public health and safety responsibilities during the construction and modification of broadcasting facilities.

We also have concerns regarding the permit review process. The proposed language would mandate that local governments only have 60 days to review, assess and either accept or deny the applications. While this may not seem like a tight time frame, when paired with the Commission's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent

historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal. In addition, the bill places an arbitrary cap on fees for review of a permit application at \$500 for up to 5 sites and \$100 per site after. If this cap is not sufficient to cover the cost of reviewing applications (again, with potential key structural and safety assessments necessary for approval), local governments and their taxpayers could end up being forced to make up the difference.

While local zoning codes and permit processes may need to be reviewed and updated to facilitate development of this infrastructure, local government must be there to negotiate with industry partners in order to get the best outcomes for their residents. Along the same lines, we note that the regulations would limit local governments' ability to negotiate and collect reasonable fees for collocation on infrastructure, limiting reoccurring fees to \$270 per small cell site. This should be open to discussion as all parties work together to expand small cell infrastructure in a way that meets all the needs of a community and its residents.

Finally, we would further note that while there have been numerous discussions about the need to expand rural broadband capacity, this bill does not necessarily address this need. Although small cells may bring more capacity to an already serviced area to meet demand, it may not increase access to those who do not have it. If small cell placement is focused in urban areas as a result, it will not close the technological divide, but rather continue to broaden the gap for rural communities where towers are also needed. We urge the Commission to consider the overall needs of not only Pennsylvania, but the nation in this area.

Again, counties agree that that high quality communication infrastructure is critical for every day functions and we welcome advancements in this and in technology as a whole. With that in mind, CCAP believes that while small cell facilities may be one piece to that puzzle, there are still components to the declaratory ruling, like fees, zoning and application timelines that need to be revisited to assure the best interests of our communities remain at the forefront.

CCAP again extends its appreciation for the opportunity to share these comments with the FCC and the project management team. We would be happy to answer questions or to provide further discussion on any of these issues; please contact Melissa Anese, CCAP Government Relations Associate, at 717-736-4718 or [manese@pacounties.org](mailto:manese@pacounties.org) at your convenience.